

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on 08/28/07, and the references cited therewith.

Claims 10 and 11 are amended, claims 7, 12 and 13 are withdrawn, and as a result, claims 3, 7, and 10-13 are now pending in this application. No new matter has been added.

### **Claims Objections**

Regarding item 4 of the Office Action dated 08/28/2007, the Examiner objects to claim 11 for incorrectly spelling histological as hiological. It appears that during the pdf conversion the 'b' in the word biological was transformed into an 'h' making the word hiological. The word should be biological. Claim 11 refers to claim 3 which recites "biological specimen". Claim 11 is amended to restate the element of claim 3 "biological specimen".

### **'112 Rejection of the Claims**

Regarding item 7 of the Office Action dated 08/28/07, claim 11 was rejected under 35 USC ' 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 11 to recite "biological specimen" having antecedent basis in claim 3.

### **'102 Rejection of the Claims**

Regarding item 8 of the Office action dated 08/28/07, claims 3 and 11 are rejected under 35 USC ' 102(e) as being anticipated by Goggins (U.S. patent application publication number 2005/0069924). Applicant traverses the rejection as Goggins fails to teach each element of the rejected claims. Claims 3 and 11 require using an aliquot of the amplification product generated by the first polymerase chain reaction in a second, methylation-specific, polymerase chain reaction at a temperature of annealing that exceeds the melting temperature of the second primer

set to amplify a portion of the gene's CpG island where the promoter methylation resides and detect the presence of inactivation of the PAX5  $\beta$  gene.

Goggins fails to teach a second stage methylation-specific PCR reaction for the PAX5  $\beta$  gene. Further, to this point there are no primers sequences for MSP that are specific for the PAX5  $\beta$  gene and likewise no teaching that the temperature of annealing for the primer set is above the melting temperature of the primer set.

Goggins fails to teach each element of claims 3 or 11 and therefore Goggins fails to anticipate claims 3 or 11. Therefore claims 3 and 11 are patentable over Goggins.

#### Sequence Compliance

Regarding item 5 of the Office Action dated 08/28/07, Applicant has added the sequence identification numbers that correspond to the forward and reverse sequences recited in claim 10 (SEQ ID NOs 3 and 4 respectively). The SEQ ID NOs 3 and 4 were present in the specification as filed and do not represent new matter.

#### Allowable Subject Matter

Claim 10 was indicated to be allowable.

#### Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505-998-6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213.

Respectfully submitted,



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